

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED FARM WORKERS, et al.,

Plaintiffs,

v.

SONNY PERDUE, et al.,

Defendants.

No. 1:20-cv-01452-DAD-JLT

ORDER SETTING BRIEFING SCHEDULE
AND HEARING ON PLAINTIFFS' MOTION
FOR A TEMPORARY RESTRAINING
ORDER

(Doc. No. 3)

On October 13, 2020, plaintiffs United Farm Workers and UFW Foundation (collectively, “plaintiffs”) filed a motion for a temporary restraining order in this action. (Doc. No. 3.) Therein, plaintiffs seek an order restraining defendant United States Department of Agriculture (“USDA”) from implementing its September 30, 2020 decision to discontinue the Farm Labor Survey and cease publication of the Farm Labor Report. (*Id.* at 30) (citing *Notice of Revision to the Agricultural Labor Survey and Farm Labor Reports by Suspending Data Collection for October 2020*, 85 Fed. Reg. 61719 (Sept. 30, 2020)).

In a Certificate of Counsel Pursuant to Local Rule 231(c)(5) attached to the pending motion, plaintiffs’ counsel Joseph Gooch states that he, attorney Mark Selwyn and attorney Derek Woodman (collectively, “plaintiffs’ counsel”), contacted the United States Attorney’s Office for the Eastern District of California via telephone and electronic mail on October 13, 2020 to inform

1 defendants of plaintiffs' intention to file the pending motion. (Doc. No. 3-35 at ¶ 4.) Attorney
2 Gooch further states that Assistant U.S. Attorney Edward Olsen confirmed receipt of the notice
3 by electronic mail. (*Id.*) Additionally, attorney Gooch states that on October 13, 2020, or as soon
4 thereafter as possible, plaintiffs intend to send via electronic mail the following documents to
5 Assistant U.S. Attorneys Edward Olsen and Pamela Beauvais and Brian Mizoguchi, Assistant
6 General Counsel in the USDA's Office of General Counsel: (1) the complaint; (2) summons; (3)
7 the pending motion for a temporary restraining order, (4) declarations in support of the pending
8 motion; (5) exhibits in support of pending motion; and (6) a proposed order granting the pending
9 motion. (*Id.* at ¶ 6.) Finally, attorney Gooch states that plaintiffs will inform defendants of the
10 date and time for the hearing on the pending motion as soon as one is established by the court.
11 (*Id.* at ¶ 7.) On October 14, 2020, the summons pertaining to defendants William Northey, Sonny
12 Perdue, and the USDA (collectively, "defendants") were issued. (*See* Doc. Nos. 4, 5.)

13 Accordingly, defendants will be provided with an opportunity to file a response to
14 plaintiffs' motion for a temporary restraining order by 12:00 p.m. PST on October 19, 2020. A
15 hearing on plaintiffs' motion will be held on October 20, 2020 at 10:30 a.m. PST before District
16 Judge Dale A. Drozd. The parties must appear by video. The undersigned's Courtroom Deputy
17 Jami Thorp (jthorp@caed.uscourts.gov) will email the parties with log-in information before the
18 hearing.

19 IT IS SO ORDERED.

20 Dated: October 14, 2020

21 
UNITED STATES DISTRICT JUDGE